

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

TIMOTHY E. PERRY,
Plaintiff

v.

**TOYOTA MOTOR CREDIT
CORPORATION d/b/a TOYOTA
FINANCIAL SERVICES, et al.,**
Defendants

SCHEDULING ORDER

Case No. 1:18cv00034

The court proposes the following as a Scheduling Order pursuant to Fed. R. Civ. P. 16(b). If no party requests changes within 10 days from its date of entry, it will constitute the Scheduling Order in this case.

It is **ORDERED** as follows:

Trial

1. **This case is set for jury trial in Abingdon beginning at 9 a.m., on September 17-19, 2019, before the Hon. James P. Jones, U.S. District Judge.**

2. If the case is settled, the court will dismiss the case from the docket, and, if no agreed final order or judgment is thereafter submitted within 60 days, or if no party files a motion to reopen within such time, the case shall, without further order, stand dismissed with prejudice.

Motions

3. A supporting brief must accompany all motions, unless the motion itself contains the legal argument necessary to support it. If a motion has been filed prior to this Order and legal argument did not support it, the movant must file

a supporting brief within 14 days of the date of this Order. If the motion is opposed, a brief in opposition must be filed within 14 days of the service of the movant's brief (or within 14 days of this Order if a motion and supporting brief have been served prior to this Order). Except for good cause shown, if a brief opposing a motion is not timely filed, it will be considered that the motion is unopposed. If the moving party desires to submit a reply brief, it must be filed within 7 days of the date of service of the brief opposing the motion.

4. If any party desires a hearing on a motion, the hearing may be requested with the court prior to, or at the time of, the filing of the motion or response. Otherwise, it will be considered that the motion is submitted for decision without hearing.

5. Motions for summary judgment must be filed no later than 90 days before trial. Any response to the motion, including the brief in opposition, must be filed no later than 14 days after service of the motion. Any reply must be filed no later than 7 days after service of the response.

6. If a motion is unopposed and the moving party certifies such fact in the motion, no brief need be filed, nor response made to the motion. Procedural motions, including motions for enlargement of time, whether or not opposed, may be acted upon at any time by the court, without awaiting a response, and any party adversely affected by such action may request reconsideration, vacation or modification of such action.

7. Any motion by the parties to join other parties or to amend the pleadings must be filed by no later than February 1, 2019.

8. Counsel must promptly provide to the court, after filing, a courtesy copy of any brief or motion and exhibits thereto that in total exceed 50 pages in length. Except for good cause shown, no brief or motion may exceed 30 pages, double-spaced, in 14-point type or larger.

Discovery

9. All discovery must be completed by no later than 120 days before trial. This schedule requires that written discovery be served in sufficient time to allow the responding party time to respond before the cutoff date for discovery.

10. Initial disclosures pursuant to Federal Rules of Civil Procedure Rule 26(a)(1) will be provided by no later than November 30, 2018.

11. Discovery and disclosure material is not to be filed unless and until actually used in the proceeding, except as to the disclosures under Rule 26(a)(3) of trial witnesses and exhibits, which must be filed.

Witnesses

12. Plaintiff shall disclose expert witness testimony as set forth in Federal Rules of Civil Procedure Rule 26(a)(2) by no later than 180 days prior to trial. Defendants shall disclose expert witness testimony as set forth in Federal Rules of Civil Procedure Rule 26(a)(2) by no later than 150 days prior to trial.

13. Any motion to exclude the testimony of an expert based on the sufficiency or reliability of the expert's testimony must be filed no later than the deadline for filing motions for summary judgment.

14. The parties must make the pretrial disclosures of witnesses and exhibits, other than deposition designations, as required by Rule 26(a)(3) by no later than 14 days prior to file. Any objections should be filed by no later than 7 days prior to trial.

Summary of Deadlines

15. Trial Date	September 17-19, 2019
Disclose Witnesses and Exhibits	14 days before trial
Objections to Witnesses and Exhibits	7 days before trial
File Summary Judgment Motions and Motions to Exclude Experts	90 days before trial
Complete Discovery	120 days before trial
Deadline to File Motions to Amend Pleadings or Add a Party	February 1, 2019
Plaintiff's Expert Disclosures	180 days before trial
Defendants' Expert Disclosures	150 days before trial

ENTERED: November 9, 2018.

/s/ Pamela Meade Sargent
UNITED STATES MAGISTRATE JUDGE